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Attorneys for Plaintiffs and  
Counterdefendants  
ALPHA & OMEGA  
SEMICONDUCTOR, INC.  
ALPHA & OMEGA  
SEMICONDUCTOR, LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALPHA & OMEGA  
SEMICONDUCTOR, INC., a  
California corporation; and ALPHA &  
OMEGA SEMICONDUCTOR, LTD., a  
Bermuda corporation,

Plaintiffs,

v.

FAIRCHILD SEMICONDUCTOR  
CORP., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 07-2638 JSW (EDL)  
(Consolidated with Case No. 07-2664 JSW)

**DECLARATION OF BRETT M.  
SCHUMAN IN SUPPORT OF AOS'S  
MOTION TO STRIKE FAIRCHILD'S  
PATENT LOCAL RULE 3.1  
DISCLOSURE**

Date: November 27, 2007  
Time: 9:00 a.m.  
Location: Courtroom E, 15th Floor  
Judge: Hon. Elizabeth D. Laporte

SCHUMAN DECLARATION IN SUPPORT OF AOS'S  
MOTION TO STRIKE CASE NO. 07-2638 JSW (EDL)  
(CONSOL. WITH CASE NO. 07-2664 JSW)

1 I, Brett M. Schuman, declare as follows:

2 1. I am an attorney at law, licensed to practice in all courts in the State of California  
3 and before the United States District Court in and for the Northern District of California.  
4 I am a partner in the law firm of Morgan, Lewis & Bockius LLP, counsel to plaintiffs and  
5 counterclaim defendants Alpha & Omega Semiconductor, Ltd. and Alpha & Omega  
6 Semiconductor, Inc. (together, "AOS"), and I am one of the attorneys working on this  
7 case.

8 2. This is a patent case. I am making this declaration in support of AOS's motion to  
9 strike the Patent Local Rule 3.1 Disclosure of Defendant and Counterclaimant Fairchild  
10 Semiconductor Corporation ("Fairchild").

11 3. Attached hereto as Exhibit A is a true and correct copy of Fairchild's Patent Local  
12 Rule 3.1 Disclosure, served on August 31, 2007. Patent Local Rule 3.1 requires, among  
13 other things, a patent plaintiff to identify "[s]eparately for each asserted claim, each  
14 accused apparatus, product, device, process, method, act, or other instrumentality . . . of  
15 each opposing party of which the party is aware. This identification shall be as specific as  
16 possible." In its Patent Local Rule 3.1 Disclosure, Fairchild purports to identify *all* of  
17 AOS's MOSFETS as accused products.

18 4. Attached hereto as Exhibit B is a true and correct copy of a letter dated September  
19 21, 2007, from my partner, Andrew Wu, to Fairchild's counsel, regarding the deficiencies  
20 in Fairchild's Patent Local Rule 3.1 Disclosure. In this letter, Mr. Wu explained:  
21 "Fairchild's own PICs include far more significant flaws, and fail to comply with Patent  
22 L.R. 3-1. For example, Fairchild's identification of the AOS products that Fairchild  
23 accuses of infringement does not appear to be a good faith identification complying with  
24 the appropriate rules. Fairchild states that every product listed in AOS's 'all products'  
25 selection guide infringes every accused Fairchild claim."

26 5. Attached hereto as Exhibit C is a true and correct copy of a letter dated September  
27 26, 2007 from Fairchild's counsel to Mr. Wu, responding to Exhibit B. In this letter,  
28 Fairchild's counsel rejects AOS's position that Fairchild's Patent Local Rule 3.1

1 Disclosure is insufficient.

2 6. Attached hereto as Exhibit D is a true and correct copy of a letter dated October 1,  
3 2007 from me to Fairchild's counsel, responding to Exhibit C and attempting once again  
4 to explain to Fairchild that its Patent Local Rule 3.1 Disclosure is insufficient. As I stated  
5 in the letter, "[i]t is inconsistent with both the letter and the spirit of the Local Rules for  
6 Fairchild to accuse AOS's entire product line, as it purports to do in its PICs. There is no  
7 provision in the Local Rules authorizing Fairchild's approach of accusing all of AOS's  
8 products and then providing information required by Local Rule 3.1 only as to a  
9 'representative sample' of 14 products."

10 7. On October 2, 2007, I participated in a conference call with Fairchild's counsel  
11 regarding, among other things, the issues addressed in the letters attached hereto as  
12 Exhibits A-D. During that conference call, Fairchild's counsel (Mr. Jacobs) stated that he  
13 believed Fairchild's Patent Local Rule 3.1 Disclosure complied with the rules and that  
14 Fairchild did not intend to change it. Nevertheless, the parties agreed that any  
15 supplemental PICs would be exchanged on October 19, 2007.

16 8. Attached hereto as Exhibit E is a true and correct copy of a letter from Fairchild's  
17 counsel dated October 5, 2007. In that letter, Fairchild's counsel states: "As we discussed  
18 on October 2, Fairchild does not intend to amend its PICs because we believe they are in  
19 compliance with the rules . . . ."

20 9. In the correspondence attached to my declaration, the parties are also addressing  
21 Fairchild's claim that AOS's Patent Local Rule 3.1 Disclosure is insufficient. AOS  
22 believes its Disclosure complies with the Local Rules but agreed to review its Disclosure  
23 and provide appropriate supplemental information by October 19, 2007.

24 10. Attached hereto as Exhibit F is a true and correct copy of a letter from Fairchild's  
25 counsel dated October 10, 2007.

26 11. AOS has conferred in good faith with opposing counsel in an effort to resolve this  
27 dispute without court action, as required by Federal Rule of Civil Procedure 37, Civil  
28 Local Rule 37-1(a), and this Court's Order Re: Discovery Procedures ¶ 1.

1  
2 I declare under penalty of perjury under the laws of the United States that the  
3 foregoing is true and correct to my personal knowledge.

4 Executed this 23rd day of October, 2007, at San Francisco, California.

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6 By \_\_\_\_\_  
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